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No. 90-1902

Supreme Court, U.S.
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1991

EASTERN AIR LINES, INC.,
Petitioner,

v.

AIR LINE PILOTS ASSOCIATION, INTERNATIONAL, *et al.*,
Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit

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OBJECTION TO MOTION OF AIR TRANSPORT ASSOCIATION AND OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF EASTERN AIR LINES, INC. FOR LEAVE TO FILE AMICI CURIAE BRIEF

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Respondent Air Line Pilots Association, International ("ALPA") objects to the motion (the "Motion") of the Air Transport Association (the "ATA") and the Official Committee of Unsecured Creditors of Eastern Air Lines, Inc. (the "Creditors' Committee") for leave to file a brief amici curiae in support of the petition for a writ of certiorari in this case. In support of its objection, ALPA states as follows:

1. The Motion does not accurately state the interests of the ATA and its members in this litigation. *See* Supreme Court Rule 37.4. In particular, the Motion fails to inform the Court that United Air Lines, Inc., Delta Air Lines, Inc., Northwest Airlines, Inc., Federal Express, Inc., and Evergreen Airlines, Inc.—all of whom are ATA members—have *not* authorized the proposed amici brief and presumably do *not* support the legal position expressed therein. These airlines together employ approximately fifty percent of the airline pilots in the domestic airline industry and account for approximately fifty percent of the annual passenger and air cargo revenue in the industry. Accordingly, the proposed amici brief does not remotely reflect the position or the interests of the entire domestic airline industry as the Motion claims.

2. The Motion likewise fails to disclose the membership and interests of the Creditors' Committee. In fact, ten of the Creditors' Committee original sixteen members have resigned [1] because, among other things, the liquidated estate of Eastern Air Lines, Inc. ("Eastern") will provide little or no money for Eastern's general unsecured creditors. *See, e.g., The National Law Journal* at 1, 35-36 (May 27, 1991) (explaining that Eastern's unsecured creditors expect to recover "virtually nothing" on their claims). The present Creditors' Committee does not include any aircraft manufacturers, engine manufacturers or trade creditors as the Motion suggests. Also, contrary

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[1] The ten members of the Creditors' Committee who have resigned are committee chair Airbus Industrie, ALPA, American Telephone & Telegraph Co., Boeing Co., Citicorp, N.A., General Electric Co., Lintas Corp., Marriott Corp., Rolls-Royce, PLC., and United Technologies Corp. The six remaining members are three trustees for Eastern's bondholders (American National Bank and Trust of Chicago, IBJ Schroder Bank & Trust Co., and United States Trust Company of New York), one representative of Eastern's non-union employees, and two union representatives (the International Association of Machinists & Aerospace Workers, AFL-CIO and the Transport Workers Union of America, AFL-CIO).

to suggestions in the Motion, the Pension Benefit Guaranty Corporation is not and has never been a member of the Creditors' Committee, will receive nothing or virtually nothing from the Eastern estate without regard to the decision below, and has never expressed any position on the litigation at issue in the Petition. In addition, the two union members of the six member Creditors' Committee have authorized ALPA to state that they *oppose* both the Motion and the proposed amici brief. Accordingly, the Creditors' Committee's proposed amici brief only states the parochial position of a single representative of Eastern's non-union employees and three trustees for Eastern bondholders, all of whom have no or virtually no monetary stake in this litigation.

The motion for leave to file an amici curiae brief should therefore be denied.

Respectfully submitted,

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